

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CASE NO. 09-498**
v. :
DAWUD BEY :

**GOVERNMENT'S RESPONSE TO DEFENDANT'S PRO SE MOTION FOR
EARLY TERMINATION OF SUPERVISED RELEASE**

The United States of America, by and through its attorneys, William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, and David E. Troyer, Assistant U.S. Attorney for the district, responds in opposition to the defendant Dawud Bey's pro se motion for early termination of supervised release in this case, in furtherance of which it sets forth the following:

1. On July 22, 2009, a federal grand jury in Philadelphia returned a five-count indictment in this case, charging the defendant with: one count of conspiracy to tamper with witnesses, from December 2003 to January 2005, in violation of Title 18, United States Code, Section 1512(k); and four counts of witness tampering, and aiding and abetting witness tampering, in violation of Title 18, United States Code, Sections 1512(b) and 2.
2. The defendant pled guilty in this case and was sentenced to a period of incarceration, followed by a period of supervised release. This case was before the Hon. Norma Shapiro. After Judge Shapiro's death, this case was transferred to this Court.
3. The defendant had also been indicted in 2004, in *U.S. v. Kaboni Savage, et al.*, case number 04-269-05. The defendant was charged with drug conspiracy and separate witness

tampering counts. The defendant pled guilty in that case, and was sentenced to a ten-year period of incarceration, followed by a five-year term of supervised release. That case was before the Hon. Mary Ann McLaughlin and, after her departure from the bench, was reassigned to the Hon. Mark A. Kearney.

4. On September 13, 2018, the defendant filed a pro se motion for early termination of supervised release in case number 09-498. On September 17, 2018, this Court ordered the government to respond by November 2, 2018. On September 26, 2018, the defendant filed a pro se motion for this Court to appoint counsel for the defendant in this case.

5. The defendant's term of supervised release in the instant case (#09-498) has expired. Thus, as to the instant case, the defendant's motion is moot.

6. The defendant does have a remaining term of supervised release in case number 04-269-05, which commenced on February 6, 2015 and does not expire until February 5, 2020. On October 1, 2018, a petition for violation of supervised release was filed. Judge Kearney has set a hearing on that petition for October 10, 2018.

WHEREFORE, the United States respectfully requests that this Court enter an Order denying as moot and dismissing the defendant's pro se motion for early termination of supervised release in this case.

Respectfully submitted,

WILLIAM M. McSWAIN
United States Attorney

/s/ David E. Troyer
David E. Troyer
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that this pleading was electronically filed, and was also served by U.S.

mail on this the 3rd day of October, 2018, on the defendant:

Dawud Bey
500 North 21st Street
Philadelphia, PA 19130

/s/ David E. Troyer
David E. Troyer
Assistant United States Attorney

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : CASE NO. 09-498

V. **:**

DAWUD BEY :

ORDER DISMISSING DEFENDANT'S PRO SE PETITION FOR EARLY TERMINATION OF SUPERVISED RELEASE

This matter, *United States v. Dawud Bey*, case number 09-498, having come before the Court upon the defendant's pro se motion for early termination of supervised release, the Court having been advised that the defendant is not currently on supervised release in this case, does hereby order that the motion is denied as moot and dismissed.

SO ORDERED on this the _____ day of October, 2018, in Philadelphia,
Pennsylvania.

HON. GERALD J. PAPPERT
UNITED STATES DISTRICT JUDGE

cc: David E. Troyer, Assistant U.S. Attorney
Dawud Bey